

TOWN BOARD

The Town Board, Town of Highlands, held a special meeting on Saturday, May 30, 2015 at Town Hall, 254 Main St, Highland Falls, NY at 9:00am.

PRESENT:	Mervin R. Livsey	----	Supervisor
	William Edsall	----	Council Member
	James Stradley	----	Council Member
	June Gunza	----	Council Member
	Adrienne T. Voltaire	----	Council Member
	Justin Rider	----	Counsel
	June Patterson	----	Town Clerk

Supervisor Livsey opened the meeting at 9:00am.

Mr. Rider explained that the Town has received approval from the State Comptroller for the Fort Montgomery Sewer Plant project. Mr. Rider stated that the next step, before applying to the EFC, is to pass a Bond Resolution. Mr. Rider also said there is a SEQR resolution for the Board to adopt today.

SEQR Resolution:

Council Member Edsall made a motion seconded by Council Member Voltaire to adopt the resolution of SEQR determination in the matter of the Fort Montgomery Sewer Improvement Area Sewer Improvement Project pursuant to Article 12-C of the Town Law.

RESOLUTION ADOPTED: 5-ayes (Livsey, Stradley, Edsall, Gunza, Voltaire)
0-nays

******RESOLUTION ATTACHED******

Bond Resolution:

Supervisor Livsey clarified that the Town did not have to spend the entire amount in the bond.

Mr. Rider said that was correct. Mr. Rider stated that the Town could not spend over that amount without further approval.

Supervisor Livsey stated that the last \$90,000 payment on the sewer bond was just made, and because of this, the residents should not see a change in their sewer bill.

Supervisor Livsey said that only basic maintenance has been done at the sewer plant for the past 30 years and he believes with the updates the plant will have more capacity. The Supervisor said Mr. Held, the new Sewer Operator is doing an excellent job.

Council Member Edsall said the plant was designed for a full build-out of the Town, and while the plant is not at capacity, he suspects that it will be over capacity with a full build-out.

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Mr. Rider stated that this resolution is subject to Permissive Referendum.

Council Member Edsall asked if there were complaints could the 30 days be extended.

Mr. Rider said the 30 days is statutory and could not be extended.

Mr. Rider said there is a 25% grant and there is 0% interest on the balance of the money. Mr. Rider said the State officials see this as a good project. Mr. Rider stated the paperwork will be submitted on Monday and the Town should hear something in 30-60 days.

Council Member Gunza made a motion seconded by Council Member Stradley to adopt the Bond Resolution authorizing construction of sewer improvements within the Fort Montgomery Sewer Improvement Area in said Town authorizing the issuance of \$2,831,200 bonds of said Town to finance said appropriations.

**RESOLUTION ADOPTED: 5-ayes (Livsey, Stradley, Edsall, Gunza, Voltaire)
0-nays**

******RESOLUTION ATTACHED******

Storms Issue:

Supervisor Livsey informed the Town has finalized all dealings with Mr. & Mrs. Storms. The Supervisor said the Storms' have signed a paper releasing the Town of any liability and they were paid \$12,500. The Supervisor said they should be hooked up in about a week.

ADJOURN

Council Member Voltaire made a motion seconded by Council Member Stradley to adjourn the meeting. Meeting adjourned at 9:25pm.

**MOTION CARRIED: 5-ayes (Livsey, Edsall, Stradley, Gunza, Voltaire)
0-nays**

Attest,

EXTRACT OF MINUTES

Meeting of the Town Board
of the Town of Highlands,
in the County of Orange, New York.

May 30, 2015

* * *

A regular meeting of the Town Board of the Town of Highlands, in the County of Orange, New York, was held at the Town Hall, in the Town, on May 30, 2015 at 9 o'clock A.M. (Prevailing Time).

There were present: Honorable Mervin R. Livsey, Supervisor, and

Councilpersons: William Edsall

James Stradley

June Gunza

Adrienne T. Voltaire

There were absent:

Also present: June Patterson, Town Clerk

* * *

Council Person Gunza offered the following resolution and moved its adoption:

BOND RESOLUTION OF THE TOWN OF HIGHLANDS, NEW YORK, ADOPTED MAY 30, 2015, AUTHORIZING THE CONSTRUCTION OF SEWER IMPROVEMENTS WITHIN THE FORT MONTGOMERY SEWER IMPROVEMENT AREA IN SAID TOWN; APPROPRIATING \$2,831,200 FOR THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$2,831,200 BONDS OF SAID TOWN TO FINANCE SAID APPROPRIATION.

Recitals

WHEREAS, the Town Board of the Town of Highlands, in the County of Orange, New York (herein called the “Town Board” and “Town” respectively), has proposed the construction of sewer improvements in the area known as the Fort Montgomery Sewer Improvement Area, consisting of the construction of improvements to the sewer plant located on Mine Dock Road in said Town, including any original furnishings, equipment, machinery, and apparatus required therefor (the “Sewer Improvement”), at the estimated maximum cost of \$2,831,200, all within an unincorporated area of the Town outside of any villages, which area has been determined to be the benefited area (herein referred to as the “Fort Montgomery Sewer Improvement Area”), pursuant to Article 12-C of the Town Law, in accordance with and as more particularly described in the map, plan and report (the “Report”) prepared therefor by Fusco Engineering & Land Surveying, P.C., a competent engineer duly licensed by the State of New York, heretofore filed in the office of the Town Clerk for public inspection; and

WHEREAS, after a public hearing duly called and held, the Town Board of the Town determined that it is in the public interest to construct said Sewer Improvement, and ordered that such Sewer Improvement be constructed at the estimated maximum cost of \$2,831,200;

WHEREAS, following submission of an application by the Town Board, the State Comptroller granted permission for the construction of the Sewer Improvement by an Order dated May 28, 2015,

Now, therefore, be it

RESOLVED BY THE TOWN BOARD OF THE TOWN OF HIGHLANDS, IN THE COUNTY OF ORANGE, NEW YORK (by favorable vote of not less than two-thirds of all the members of said Town Board) AS FOLLOWS:

Section 1. The construction of the Sewer Improvement within the Fort Montgomery Sewer Improvement Area is hereby approved, as hereinabove described, and such improvement is hereby authorized to be constructed, as set forth in the Report, within an unincorporated area of the Town outside of any villages, which area has been determined to be the benefited area (herein referred to as the “Fort Montgomery Sewer Improvement Area”) as more particularly bounded and described as set forth in Appendix A hereto. The Town of Highlands hereby appropriates the amount of \$2,831,200 for the construction of the Sewer Improvement within the Fort Montgomery Sewer Improvement Area, in accordance with the Report and heretofore approved by the Town Board of the Town. The estimated maximum cost of construction of said Sewer Improvement, including preliminary costs and costs incidental thereto and to the financing thereof, is \$2,831,200 which is planned to be financed by the issuance of bonds of the Town in the principal amount of \$2,831,200 and the levy and collection of assessments upon the several lots and parcels of land within the Fort Montgomery Sewer Improvement Area which the Town Board shall determine to be especially benefited by said Sewer Improvement, so much upon and from each as shall be in just proportion to the amount of benefit

which the Sewer Improvement shall confer upon the same, to pay the principal of and interest on said bonds as the same shall become due and payable.

Section 2. Bonds of the Town in the principal amount of \$2,831,200 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the “Law”), to finance said appropriation.

Section 3. The following additional matters are hereby determined and declared:

(a) The period of probable usefulness of the object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 4. of the Law, is forty (40) years.

(b) The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

(c) The proposed maturity of the bonds authorized by this resolution will exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the Town, payable as to both principal and interest by general

tax upon all the taxable real property within the Town. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes and of Section 50.00 and Sections 56.00 to 60.00 and Section 168.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, and as to the execution of agreements for credit enhancements, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This resolution shall take effect immediately and the Town Clerk is hereby authorized and directed to publish a summary thereof in "*The News of the Highlands*," a newspaper having a general circulation in the Town of Highlands, and hereby designated as the official newspaper of the Town for such publication, together with the Town Clerk's statutory notice in substantially the form as prescribed by Section 81.00 of the Local Finance Law of the State of New York.

APPENDIX A

The adoption of the foregoing resolution was seconded by **Council Person Stradley** and duly put to a vote on roll call, which resulted as follows:

AYES: 5 (Livsey, Edsall, Stradley, Gunza, Voltaire)

NOES: 0

This resolution was declared adopted.

RESOLUTION
OF
MAY 30, 2015

A RESOLUTION OF SEQR
DETERMINATION IN THE MATTER OF
THE FORT MONTGOMERY
SEWER IMPROVEMENT AREA
SEWER IMPROVEMENT PROJECT
PURSUANT TO ARTICLE 12-C OF THE TOWN LAW

Council Member **Edsall** moved the following resolution which was seconded by Council Member **Voltaire**.

WHEREAS, the Town of Highlands on behalf of the Fort Montgomery Sewer Improvement Area (“FMSIA”) has passed an Order of Public Interest in the matter of the FMSIA Sewer Improvement Project (the “Project”);

WHEREAS, the Town Board has submitted an application seeking funding of the Project through the New York State Drinking Water State Revolving Loan Fund (the “NYSDWSRF”) as well as the Storm Mitigation Loan Program (the “SMLP”); and

WHEREAS, the New York State Environmental Facilities Corporation (the “EFC”) and New York State Department of Health (the “DOH”) jointly administer the NYSDWSRF and SMLP and award funding to a select number of municipalities in accordance with the applicable rules and regulations thereof; and

WHEREAS, under the Final Intended Use Plan Amendment No. 2 for the Clean Water State Revolving Fund for Water Pollution Control, Attachment 1, Storm Mitigation Loan Program Candidate Projects, the Town of Highlands scored a 39, which was above the “funding line;” and

WHEREAS, the Town Board received the consent of the New York State Comptroller to continue the Project on May 28, 2015 in accordance with the requirements of Town Law Section 209-q; and

WHEREAS, the project is a rehabilitation and upgrade to the existing sewer plant, with the work being completed in the existing footprint on the same site.

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Highlands on behalf of FMSIA hereby does determine that the Project is a Type II action for the purposes of SEQRA pursuant

to 6 NYCRR 617.5(c)(2), in that the Project is replacement, rehabilitation or reconstruction of a structure or facility in kind and on the same site and does not meet nor exceed any of the thresholds in 6 NYCRR 617.4; and

BE IT FURTHER RESOLVED, that the Supervisor and officers of the Town are hereby authorized and empowered to make, execute and deliver, or cause to be made, executed and delivered, in the name of and on behalf of the Town, all such certificates, agreements, documents and papers as may be necessary to effectuate and carry out the contents of the foregoing resolutions; and

BE IT FURTHER RESOLVED that the aforesaid resolutions shall take effect immediately.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

James Stradley, Councilman	voting	Aye
June Gunza, Councilwoman	voting	Aye
Adrienne T. Voltaire, Councilwoman	voting	Aye
William Edsall, Councilman	voting	Aye
Mervin R. Livsey, Supervisor	voting	Aye

The foregoing constitutes a true and complete copy of a resolution duly made, seconded and adopted at a special meeting of the Town Board, Town of Highlands, on May 30, 2015.

June Patterson, Town Clerk